

TITLE 11
DEPARTMENT OF HEALTH
CHAPTER 14 HOUSING

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Historical Note: Chapter 14 of Title 11, Administrative Rules, is based substantially on Public Health Regulations Chapter 2, Housing, Department of Health, State of Hawaii. [Eff. 11/4/65, am 4/6/70, am 10/23/73; R APR. 19, 1984]

§11-14-1 Purpose.

(a) The purpose of this chapter is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings. The provisions of this chapter shall apply to all habitable buildings, or portions thereof, used, designed or intended to be used, for human habitation within the State, under the provisions of §53-60, HRS.

(b) The minimum requirements established herein shall not be construed as lowering the standards established by local ordinances or rules. Whenever such local requirements contain more stringent provisions than any of the minimum requirements of this chapter, the more stringent requirement shall govern. No ordinance or rule of any municipal body, or ruling or decision of any officer of any city or county shall repeal, amend, modify, dispense with, or stay the effect of any of the minimum requirements contained herein, except as provided in subsection 11-14-1(c) herein.

(c) When a county government has adopted an ordinance governing housing or an amendment thereto, and the ordinance or amendment and the method of enforcement by the county government are approved in writing by the director of health, the ordinance or amendment and not these rules, shall control the matter of housing rules in that county. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60, 321-11)

§11-14-2 Definitions.

As used in this chapter:

"Accessory building" means a portion of the main building or a detached subordinate building located on the same lot, the use of which is customarily incidental to that of the main building on the same lot. Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as a part of the main building. accessory building may include any private garage, servants' quarters, guest house, recreation room, greenhouse, bath house, laundry room, workshop, storage room, shed, or other minor structures, but not a business or industrial building.

"Agricultural dormitory" means a dwelling structure designed and built exclusively as living quarters for agricultural workers in rural areas.

"Apartment" means a dwelling unit as defined in this chapter.

"Apartment house" refers to any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or resident of three or more families living independently of each other in dwelling units as defined in this chapter. The term "apartment house" shall include condominium owned building or buildings.

"Approved" means acceptable to the State department of health as being in conformity with the provisions of this chapter.

"Areaway" means an open space below the surface level of the ground adjacent to a building and used in connection with the building for the purpose of providing access to the building from the street or highway. It shall not be used for any other purpose.

"Basement" refers to that portion of a building between a floor and ceiling, which is partly below and partly above ground level.

"Court" refers to an open, unoccupied space bounded on three or more sides by the walls of the building. An inner court is a court entirely within the exterior walls of a building. All other courts are outer courts.

"Court height" means the vertical distance from the level of the lowest story containing habitable rooms served by that court to the top of the walls bounding the court. In case the tops of such walls are at different elevations, the measurement shall be taken to the average elevation of the two highest walls that are opposite each other.

"Court depth" means the horizontal distance between the open and closed ends as applied to an outer court.

"Court length" means its maximum horizontal dimension as applied to an inner court.

"Court width" means its least horizontal dimension as applied to an inner court. Width as applied to an outer court, means the horizontal dimension measured in a direction substantially parallel with the principal open end of such court.

"Director" means the director of health of the Department of Health, State of Hawaii, or his duly authorized agent.

"Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants and shall include hotels, apartment houses, and lodging houses.

"Dwelling, attached" refers to a building containing three or more attached sections, each section separated by a boundary wall and each containing one or two dwelling units. The term attached dwelling is intended to apply to row houses, townhouses, patio houses, and other forms with three or more sections attached to each other.

"Dwelling, semi-detached" refers to a building containing two sections separated by a boundary wall with each section containing one or two dwelling units.

"Dwelling unit" means any habitable room or group of habitable rooms located within a dwelling and forming a single habitable unit with facilities which are used, or intended to be used for living, sleeping, cooking, and eating.

"Efficiency living unit" refers to any room having cooking facilities, and used for combined living, dining, and sleeping purposes and meeting the requirements of §11-14-5(c)(4), Exception.

"Exit" refers to a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smokeproof enclosures, horizontal exits, exterior courts, and yards.

"Family" means an individual, or two or more persons, related by blood or marriage, or a group of not more than five persons, (excluding servants), who need not be related by blood or marriage, living together in a dwelling unit.

"Grade" (ground level) means the average of the finished ground level adjacent to the exterior walls of the buildings, and the grade of any portion of building is the average of the finished ground level adjacent to that portion provided that if at any point the ground level is above the ceiling, the ground level at that point shall be deemed to be at the ceiling level and if said ground level at any point is below the floor level, the ground level at that point shall be deemed to be at the floor level, provided further that if walls are parallel to and within five feet of a sidewalk, the ground level for these walls shall be measured at the sidewalk.

"Guest" means any person hiring or occupying a room for living or sleeping purposes.

"Guest room" refers to any room or rooms used, or intended to be used by a guest for sleeping purposes.

"Habitable room" means any room or enclosed or partially enclosed floor space used or intended to be used for sleeping, living, cooking, or eating purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, service

rooms, connecting corridors, laundry rooms and similar spaces, libraries and studies not used for sleeping purposes.

"Height" as applied to the wall of a building means the vertical distance from finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the wall of a pitch or hip roofed building or exterior wall of a pitch or hip roof. The height of a building shall be determined separately for each side and within each side of every building. Where the height of a side or exterior wall varies because of sloping ground the average height of the side wall or exterior wall shall govern for spacing purposes.

"Hotel" means any building or group of buildings or portions thereof having ten or more sleeping rooms kept for hire or rent, and wherein meals may or may not be provided for guests whether rent is paid in money, goods, labor, or otherwise. The term "hotel" shall include motels. It does not include any condominium owned building or buildings, jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

"Interior lot" refers to a lot other than a corner lot.

"Kitchen" means a room used, or designed to be used, for the preparation of food.

"Lot" means a portion or parcel of land considered as a unit, devoted to certain use, or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

"Lot line" means a line established legally and dividing one lot from other or from a street or other public spaces.

"Lodging house" means any dwelling or portion thereof, containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all of the requirements of this chapter for dwellings. The term "lodging house" shall not include any condominium owned building or buildings.

"Multiple dwelling" means any dwelling containing more than two dwelling units.

"Nuisance" shall be defined as follow:

- (1) Any public nuisance known at common law or in equity jurisprudence.
- (2) Any attractive nuisance Which may prove detrimental to children whether in a dwelling, on the premises of a dwelling, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.
- (3) Whatever is dangerous to human life or is detrimental to health.
- (4) Overcrowding a room with occupants.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewerage or plumbing facilities.

(7) Uncleanliness.

(8) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

"Occupant" means any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

"Occupied space" means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this chapter.

"Operator" means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

"Owner" means any person who, alone or jointly or severally with others: (a) Shall have legal title to any dwelling unit, with or without accompany actual possession thereof, or (b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or an agent acting in behalf of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner, shall be bound to comply with the provisions of this chapter to the same extent as if the person were the owner.

"Person" means and include any individual, firm, corporation, association, or partnership.

"Planned development project" shall consist of the following characteristics:

- (1) Land under unified control, planned, and developed as a whole;
- (2) A single development operation or a definitely programmed series of development operations, including all lands and buildings;
- (3) The principal and accessory structures and uses to be substantially related to the character of the district;
- (4) Planned according to comprehensive and detailed plans, including not only streets, utilities and lots or building sites, but also site plans, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and (5) Planned for the providing, operation, and maintenance of areas, improvements, facilities, and services for common use.

"Potable water" means water bacteriologically and chemically safe and supplied in a manner free from health hazards through a distribution system free from sanitary defects.

"Public hallway" refers to any hallway, corridor, passageway, or stairway which is used in common by two or more families.

"Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"Service room" means any room used for storage, bath, toilet, or utility purposes, and not included in the definition of habitable rooms.

"Servants' quarters and guest rooms" mean living quarters located in the main building or in a detached accessory building on a lot and arranged, designed, or intended to be used by servants or guests. Detached servants' quarters and guest houses shall be equipped with a toilet, lavatory, and a bath tub or shower.

"Story" refers to that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above the average of the finished ground level of such basement or cellar, such basement or cellar shall be deemed the first story, except when such finished ground level was secured by the construction of an areaway.

"Substandard building" (See §11-14-8 of this chapter).

"Superficial floor area" means the net floor area within the enclosing walls of the room in which the ceiling height is not less than five feet, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

"Tenement" means any house or building, or portion thereof, other than apartment house which is rented, leased, let or hired out, occupied, or intended, arranged, or designed to be occupied as the residence of five or more persons living independently of each other and doing their cooking on the premises, having a common right to the water supply, toilets or privies, bathing facilities, and kitchen facilities. This definition does not include institutions. All such dormitories or institutions shall comply with lodging house requirements, except as otherwise noted in this chapter.

"Urban renewal community" means those geographical areas or localities in which there exists an urban renewal project as defined in §53-51, HRS.

"Ventilation" means the process of supplying or to or from any space.

"Window" means an opening in the outside wall of a building for admission of light and air.

"Yard" refers to an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the lot on which a building is situated. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321,11) (Imp: HRS §§53-60, 321-11)

§11-14-3 Plans and specification.

(a) When any county has duly adopted a housing code and said code is acceptable to the director, it is not necessary for plans and specifications to be submitted to the director for approval. Otherwise, plans and specifications of all covered by this chapter shall be submitted with an application for building permit providing such data as may be necessary to meet the following requirements:

(1) Plot plan-showing the exact lot boundaries and distances and any rights of way, if such exist, and the location of the proposed building or buildings and of every existing building or structure on the lot or within fifty feet of the Proposed building or buildings; the location of cesspools or other means of sewage disposal, if any, relative to lot lines, buildings and nearby bodies of water; and the tax map key or other similar description that will readily identify and definitely locate the proposed building or work.

- (2) Floor plan-showing the floor layout and sizes of the various rooms in sufficient detail to show that it will conform to the provisions of this chapter, the required windows and their sizes for the rooms, and the use or occupancy of all parts of the building or buildings.
 - (3) Elevations-showing depth of footings and height of exterior walls, window locations and sizes.
 - (4) Cross-section-showing the existing and the proposed finished grade, the depth of foundation or footings, height of ceiling, roof, and other pertinent information.
 - (5) Other details that may be required by the department for further clarification when information supplied on plans is insufficient for a fair and sound opinion.
- (b) The issuance or granting of an approval of the plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60, 321-11)

§11-144 General provisions.

(a) Basement and cellar occupancy.

- (1) Any required windows in a basement or cellar shall be above the adjacent grade for their full height or shall be provided with an areaway of a width, measured perpendicular to the plane of the window, equal to its depth below the adjacent grade.
- (2) The floors and walls of basements and cellars shall be water and damp-proofed below finished grade in a manner acceptable to the director or an areaway of not less than five feet in width shall be provided around the building.
- (3) No space in any cellar shall be used for sleeping purposes.

(b) Cleanliness of dwellings.

- (1) Every dwelling and every part thereof shall be kept free from vermin, rodent harborages and mosquito breeding, standing water and from any accumulation of dirt, rubbish, garbage, or other matter in or on the dwelling and the surrounding premises. It shall be the duty of each occupant to keep the portion of the dwelling occupied by him and over which he has control in a sanitary condition at all times. It shall likewise be the duty of the owner or his agent of any multiple dwelling to keep clean public halls, stairways, yards, house plumbing, and other parts thereof used in common by its occupants.
- (2) Before renting any rental dwelling unit, the owner thereof shall cause such unit to be cleaned and repaired and shall exterminate any insects, rodents, or similar pests therein. This does not refer to termites.

(c) Dwelling upon filled land. No dwelling shall be erected upon land which has been filled in with refuse or garbage or any substance dangerous to the public health, unless the site upon which such dwelling is to be erected has been inspected by the director and found to be sanitary.

(d) Sanitary certificate and license. The owner or operator of every tenement house, boarding house, lodging house, or hotel shall obtain a certificate from the department of health and a license from the county treasurer in accordance with the provisions of §§445-94 and 445-95, HRS.

(e) Owner or responsible person to reside in building. The Owner or operator of a tenement house, boarding house or hotel shall reside therein or employ some responsible person to reside in said building and have charge of the same.

(f) Garbage and refuse disposal. The owner or operator of every tenement house, lodging house, boarding house, agricultural dormitory, apartment house, or hotel shall provide a sufficient number of water-tight receptacles of metal or other material acceptable to the director for ashes, rubbish, garbage, refuse, and other discarded matter, which receptacles shall be kept closed by tight-fitting covers, except when being filled or emptied. No person shall place ashes, rubbish, garbage, refuse, or like matter in the yards, open areas, courts, or alleys connected with or appurtenant to any said building, except in such receptacles.

(g) Animals, poultry.

(1) No horses, cows, calves, swine, goats, chickens, ducks, pigeons, or other animals or fowl shall be kept in a tenement house, lodging house, boarding house, apartment house, or hotel,

(2) Horses, cattle, sheep, or goats shall not be kept within fifty feet of any place of human habitation and no person shall keep or allow to be kept upon any premises in his or her possession or control poultry, poultry houses, or coops, pigeon coops or nests, and rabbit hutches that come or are maintained within twenty-five feet of any place of human habitation.

(3) This section does not apply to pets, such as dogs, cats and birds.

(h) Bedding in lodging houses, boardinghouses, and hotels.

(1) Sanitary conditions. In every lodging house, boarding house, or hotel, every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry, and sanitary condition, free from filth, urine, or other foul matter, and free from infection of lice, bedbugs, or other vermin, or insects.

(2) Changes. The bed linen of a bed shall be changed at least as often as a new guest occupies the bed and in no case less than once a week.

(i) Towels and cups. No public towel or common drinking cup shall be kept or maintained in a tenement house, lodging house, boarding house, agricultural dormitory, or hotel for common use. Cups shall be washed and sanitized in an approved manner.

(j) Cooking in rooms. Cooking shall not be done on any porch or lanai or in any room of any hotel, tenement, agricultural dormitory, boarding house, or lodging house not designed and intended for cooking. Cooking shall not be done in any room used for sleeping purposes unless such room is also designed and intended for cooking purposes. Rooms designed and intended for cooking shall conform to all requirements of a habitable room. Cooking may be done in agricultural dormitory kitchens provided that not more than five rooms nor more than ten persons shall share a community kitchen.

(k) Future tenement houses. On and after the effective date of this chapter no new tenement house shall be constructed and no existing building not presently used as a tenement house shall be converted into a tenement house.

(1) Shelter. Every building shall be weather protected so as to provide shelter for occupants against the elements and to exclude dampness. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60, 321-11)

§11-14-5 Space and occupancy standards.

(a) Spacing of buildings. For the purpose of this chapter, any building having a height of more than fifteen feet shall be construed as a building of more than one story in height. In case of extreme sloping of ground such building may be classed as a one-story building at the discretion of the chief, environmental protection and health services division, if the health and sanitation aspects of it and neighboring buildings are not adversely affected.

(1) Distance to lot line.

(A) No one-story building shall be erected within five feet, nor any building of more than one story in height shall be erected within ten feet of any boundary line other than a line bordering a street or public roadway. This provision shall not apply to business or industrial buildings constructed in business or industrial zones. This provisions shall not apply to any detached accessory building not more than seven feet in height, not used as a dwelling unit, provided the location of such building does not adversely affect the natural light and ventilation of any dwelling unit

(B) Nothing in this section shall prohibit a development which meets the requirements of any county zoning code provisions governing an attached dwelling, a semi-detached dwelling, or a cluster subdivision development approved by any county with a dwelling permitted on boundary lines, which provisions have been approved by the director.

(2) Distance between buildings on the same lot.

(A) No one-story building shall be erected within ten feet of any one-story dwelling or within fifteen feet of a dwelling of more than one story in height.

(B) No one-story dwelling shall be erected within ten feet of any one-story building or within fifteen feet of a building of more than one story in height.

(C) No building of more than one story in height shall be erected within fifteen feet of any one-story dwelling, or within twenty feet of a dwelling of more than one story in height.

(D) No dwelling of more than one story in height shall be erected within fifteen feet of any one-story building, or within twenty feet of a building of more than one story in height.

(3) Dwelling or rooming units in business or industrial zones. When a building in a business or industrial zone is designed to include one or more dwelling or rooming units, the spacing provisions of §11-14-5(a)(1) and (2) shall apply only to the portions of such buildings which contain required windows.

(4) Other spacing provisions.

(A) Yard adjoining alley, street, or private right-of-way. Where a yard adjoins a street, alley, or right-of-way, the Center line of any adjoining street or alley shall be considered an

adjacent property line, and the center line of an adjoining private right of way shall be considered an adjacent property line if the applicant for a permit has an interest therein.

(B) Change in height of building. Whenever the height of a building is increased, the building shall be moved and altered to meet the spacing requirements of this chapter.

(C) Accessory buildings.

(i) Any detached accessory building, not more than seven feet in height, not used as a dwelling unit but solely for garage, greenhouse, bath house, laundry room, workshop, storage room, or the like, shall be located at least five feet away from any required window of any dwelling.

(ii) Accessory buildings used as servants' quarters, guest houses, or other habitable quarters shall conform to all spacing requirements for a dwelling.

(iii) Detached accessory buildings more than seven feet in height shall be spaced in accordance with the requirements of a dwelling.

(D) Projection into spacing. Eaves, cornices, and other projections projecting into any required spacing shall not obstruct a required exitway or be nearer than thirty inches to a lot boundary, and projections other than eaves, cornices, and stairways shall not project more than four feet into any required spacing.

(5) Access to multiple dwelling units. In two-family and multi-family dwellings, access to every dwelling unit shall be had without passing through any part of any other dwelling unit.

(b) Courts. This part shall apply to courts having required windows opening therein. No required court shall be less in any part than the minimum sizes prescribed in this section.

(1) Width.

(A) Outer and inner courts. The minimum width of every outer and inner court required to serve habitable rooms shall be determined by the height of the pertinent exterior or side wall of the court. For exterior or side walls twenty feet or less in height, the minimum width shall be equivalent to twelve inches for every foot in height, but in no case less than ten feet and need not exceed twenty feet. For courts where the heights of the pertinent exterior or side walls vary, the minimum width shall be a function of the average of their heights.

(B) Courts serving other than habitable rooms. Every court required to serve other than habitable rooms shall have a minimum width of three inches for each foot or fraction thereof of the height of such court, but in no case less than five feet.

(C) Irregular or gore-shaped courts. In the case of irregular or gore-shaped courts, the minimum width of the court may be deemed to be the average width.

(2) Accessibility. Every court, in a building containing more than one dwelling unit and serving one or more habitable rooms, that does not open for its full height in one or more sides on a street or yard, shall be connected, at or near the bottom; with a street or yard by a passage, if such court is

more than two stories in height. Such passage shall have a cross-sectional area of not less than twenty-one square feet, and shall remain fully open at both ends or unobstructed for its full size and length, except that a grille gate may be permitted at the ends to enable it to be properly cleaned and maintained in a sanitary condition.

(3) Unobstructed courts. Every court shall remain unobstructed for its required width and full height except for projections allowed under §11-14-5(a)(4)(D), laundry lines, arbors, garden trellises, and other accessories to the planting and maintenance of vegetation, whether in removable pots or in natural soil, where such vegetation does not restrict the light and air reaching windows opening upon the court.

(4) Drainage. The bottom of every court shall be properly graded and drained.

(c) Room dimensions.

(1) Ceiling height. Habitable rooms in all buildings shall have a ceiling height of not less than seven feet, six inches. Service rooms in all buildings except detached accessory buildings not designated for human occupancy shall have a ceiling height of not less than seven feet. In rooms with sloping ceilings the required ceiling height shall be provided in at least fifty per cent of the room and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum areas required by §11-14-5(c)(2).

(2) Superficial floor area.

(A) Except as provided in §11-14-5(c)(4), every dwelling unit shall have a room other than a room used for sleeping purposes, with not less than one hundred and twenty square feet of superficial floor area.

(B) Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred and fifty square feet of superficial floor area.

(C) Every dwelling unit shall have a room used for sleeping purposes with a floor area, exclusive of the floor area of any closet, of not less than one hundred and twenty square feet but in no case less than fifty square feet per occupant.

(D) Every other room used for sleeping purposes shall have a floor area, exclusive of the floor area of any closet, of not less than eighty square feet.

(E) Every room used for sleeping purposes shall have a floor area, exclusive of the floor area of any closet, of not less than fifty square feet for each occupant.

(3) Every kitchen shall have not less than sixty square feet of floor area.

(4) Exception. Nothing in this section shall prohibit the use of an efficiency living unit meeting the following requirements:

(A) Such efficiency living unit shall have a living room of not less than two hundred and twenty square feet of superficial floor area. An additional one hundred square feet of superficial floor area shall be provided for each occupant of such unit in excess of two;

(B) Such efficiency living unit shall be provided with a separate dressing closet of such size as to provide for adequate circulation and storage;

(C) Such efficiency living unit shall be provided with a kitchenette not less than three feet by five feet in size. Such kitchenette shall be accessible from the living room or foyer only, and shall be equipped and arranged for complete kitchen use; and

(D) Such efficiency living unit shall be provided with a separate bathroom meeting the requirements of this chapter. Such bathroom shall be accessible from the foyer or dressing closet only.

(5) Width. Habitable rooms, other than kitchens, shall not be less than seven feet in any dimension. No toilet space shall be less than thirty inches in width. There shall be not less than one foot nine inches of clear space in front of each toilet, and when sliding doors are not used, a door swing of not less than ninety degrees shall be provided for in front of each toilet.

(d) Light and ventilation.

(1) Habitable rooms. A habitable room shall have an aggregate window area of not less than one-eighth of the gross floor area or twelve square feet, whichever is greater.

(2) Service room. Service rooms, except closets and other rooms which are not designed for occupancy by human beings, shall have an aggregate window area of not less than five per cent of the gross floor area or three square feet, whichever is greater.

(3) Openable window area. One-half of the required window area in all rooms shall be openable.

(4) Porches. Required windows shall open on a street, yard, or court either directly or through a porch having a minimum clear height of not less than seven feet. Such porch shall be at least fifty per cent open on at least one side or on both ends.

(5) Screens. Openable window areas and exterior doors of dwelling units shall be effectively screened.

(6) Hallways. All public hallways, stairs, and other exitways shall be adequately lighted at all times.

(7) Ventilation.

(A) Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required by applicable laws, ordinances, and rules. Ventilating equipment shall be of approved types, installed and maintained in a safe manner and in accordance with applicable laws, ordinances, and rules. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

(B) Except for rooms used for sleeping, an approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such system shall provide not less than four air changes per hour, except that in an individual bathroom or toilet compartment

such system shall exhaust at least two cubic feet per minute per square foot of floor space. For systems which involve three or more bathrooms or toilet compartments combined in a single exhaust system, the exhaust rate shall be four cubic feet per minute per square foot of floor area as provided in §11-39, "Air Conditioning and Ventilating."

(C) All bathrooms, lavatories, and toilet compartments which are ventilated by mechanical ventilation shall have fixed openings, from adjacent rooms or corridors or from other approved sources, which are sufficient to provide an inflow of air necessary to make exhaust ventilation effective. The exhaust air from bathrooms, lavatories, and toilet compartments shall not be recirculated. Exhaust duct systems for toilet compartments and bathrooms shall be separate from the exhaust duct systems for other portions of a building.

(D) Toilet compartments, bathrooms, and kitchens ventilated in accordance with this paragraph may be provided with artificial light. When a toilet in a bathroom or toilet compartment is completely enclosed by partitions, such enclosure shall be separately lighted and ventilated.

(E) Systems of mechanical ventilation installed to comply with the provisions of this chapter shall be kept in good working order and in continuous operation at all times during occupancy of the room served by such system. All openings to ventilators shall be ratproofed.

(e) Sanitation.

(1) Dwelling units. Every dwelling unit shall have inside the dwelling unit a toilet, a lavatory, and a bath tub or shower. Toilets shall have lavatories within the immediate area.

(2) Hotels, boarding houses, lodging houses, agricultural dormitories and tenements. Where private toilets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one toilet and lavatory and one bath accessible from a public hallway. Additional toilets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional number thereof, in excess of ten. Such facilities shall be clearly marked for "Men" or "Women."

(3) Kitchen. Every dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted.

(4) Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with cold running water. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

(5) Toilet compartments. Walls and floors of toilet compartments except in dwellings shall be finished with a smooth hard surface of cement, tile, or an approved equal. Walls shall be so finished to a height of four feet above the floor. Toilet compartments in dwellings shall be finished with approved nonabsorbent materials.

(6) Access to bathroom. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet compartment.

(7) Installation and maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60; 321-11)

§11-14-6 Scope and applicability

(a) Where any building or portion thereof, is used or intended to be used as a combination apartment house-hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings.

(b) Existing buildings which are altered or enlarged shall be made to conform to this chapter insofar as the new work is concerned. Relocated buildings shall be made to conform to this chapter.

(c) In order that the provisions of this chapter may be reasonably applied, public health and safety secured, and substantial justice done in instances where practical difficulties or undue limitations are encountered, or unnecessary and unreasonable hardship result from their application, the director on his own motion or upon request of any interested party may grant a variance upon such terms and conditions and for such period of time as the facts may warrant.

(1) Every application for a variance shall be made on forms furnished by the department and shall be accompanied by a complete and detailed description of present or proposed conditions, how present or proposed conditions do not conform to standards, alternatives to the proposed action, and such other information as the department may by rule prescribe.

(2) Each application for a variance shall be reviewed in light of the descriptions, statements, plans, histories, and other supporting information submitted with the application, such additional information as may be submitted upon the request of the department.

(3) No variance shall be granted by the department unless the application and the supporting information clearly show that:

(A) The proposed variance will not substantially endanger human health or safety; and

(B) Compliance with the rules from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(d) The director may afford a hearing in accordance with chapter 91, Hawaii Revised Statutes; in relation to an application for the issuance or modification of a variance.

(e) No variance granted pursuant to this part shall be construed to prevent or limit the application of any emergency provisions and procedures provided by law. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60, 321-11)

§11-14-7 Substandard buildings.

(a) Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which any of the following listed conditions exists to an extent that endangers the life, limb, property, safety, or welfare of the public or the occupants thereof, shall be deemed to be a substandard building if the conditions are permitted to continue beyond a reasonable time for remedy, after due notice has been served by the director to correct the conditions within the time allowed. The owner or other person affected, shall then have the right to appeal to the Board of Appeals for investigation and review of the director's determination.

(b) Inadequate sanitation, which shall include but not be limited to the following:

- (1) Lack of, or improper toilet, lavatory, bath tub, or shower for a dwelling unit. For dwelling units in urban renewal communities, absence of a proper toilet, lavatory, bath tub, or shower inside the dwelling unit;
- (2) Lack of, or improper toilet, lavatories, and bath tubs or showers per number of guests in a hotel;
- (3) Lack of, or improper kitchen sink;
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel;
- (5) Lack of running water to plumbing fixtures serving a dwelling unit;
- (6) Lack, or improper operation of required ventilating equipment;
- (7) Lack of minimum amounts of natural light and ventilation required by this chapter;
- (8) Room and space dimensions less than required by this chapter;
- (9) Dampness of habitable rooms;
- (10) Infestation of insects, vermin or rodents;
- (11) Lack of connection to available sewage disposal system; and
- (12) Lack of adequate garbage and rubbish storage and removal facilities.

(c) Nuisance. Any nuisance as defined in this chapter.

(d) Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws, rules, or ordinances in effect at the time of installation and which has been maintained in good and safe condition.

(e) Faulty weather protection, which shall include but not be limited to the following:

- (1) Deteriorated, crumbling, or loose plaster;
- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors;

- (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering; and
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (f) Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar mat conditions constitute fire, health, or safety hazards.
- (g) Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking, or eating purposes which were not designed or intended to be used for such occupancies.
- (h) All buildings or portions thereof which are determined to be substandard as defined in this chapter are hereby declared to be nuisances in accordance with the provisions of §53-60, HRS, and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60, 321-11)

§11-14-8 Remedies and penalties.

- (a) Any person who shall violate any provisions of chapter 14 of Title 11, Administrative Rules, entitled Housing, or an order of the director thereunder, shall be subject to a fine or imprisonment or both as provided in §321-18, HRS. Each and every violation of the provisions of these rules shall constitute a separate offense. Each day upon which such violation occurs shall constitute a separate violation.
- (b) Upon presentation of proper credentials the director may enter at reasonable times any building, structure, or premises in the State to perform any duty imposed upon him by this chapter.
- (c) Whenever it shall be certified by the director that a building, or part thereof, is unfit for human habitation, the director, after giving owner, lessee, or occupant thereof an
vacate such building, or part thereof, within not less than twenty-four hours, nor more than ten days. In case such order is not complied with, the director may cause such building, or part thereof, to be vacated and cause it to be held vacant until the condition causing such order has been remedied. The director, whenever he is satisfied that the danger from sa building, or part thereof, has ceased to exist, or that it is fit for human habitation, shall revoke said order. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§53-60, 321-11)

§11-14-9 Severability.

If any section, subsection, clause, phrase, or item of this chapter or its application to any person or circumstance is for any reason held to be unconstitutional or invalid, the remaining portions of this chapter or the application thereof to oth persons or circumstances shall not thereby be affected. [Eff. APR. 19, 1984] (Auth: HRS §§321-10, 321-11 HRS §§53-60, 321-11)